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CONCERNING

THE NEW HAMPSHIRE LAWS

OF

1699

BY

GEORGE H. MOORE, LL.D.

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NEW YORK

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Massachusetts Historical Society

Hon. Robt. C. Winthrop, LL.D.,
M. H. S.

With the best regards of

E. H. Moore

Aug. 1889.

ACTS
AND
LAWS,

Passed by the General Court or Assembly of His Majesties Province of New-Hampshire in

New-England

Begun and Held at *Portsmouth*, on *Monday* the Seventh Day of *August*, 1699.

Anno Regni Gulielmi Tertii, Angliæ, Scotiæ, Franciæ, et Hiberniæ, REGIS, Undecimo

W R

BOSTON,
Printed by *Bartholomew Green*, and *John Allen*, Printers to His Excellency the Earl of BELLOMONT. 1699.

THE NEW HAMPSHIRE LAWS OF 1699.

THE volume of *Acts | and | Laws; | Passed by the | General Court | or | Assembly | of His Majesties | Province of New-Hampshire | in | New-England: | Boston, in New-England: | Printed by B. Green: Sold by Eleazar Russel | at his Shop in Portsmouth.* 1716. | has been recognized hitherto as the first printed laws of New Hampshire. It was a small folio of sixty pages, besides the title, and with sundry supplements added within the next ten years after its issue, had no rival or successor for a long period of time.

The sale catalogue of a British bookseller, issued last year (1888) in Exeter, England, changed all this, and the first printed laws of New Hampshire now and hereafter must be dated seventeen years earlier, in the last year but one of the seventeenth century. In that catalogue the following item appeared, under the head of "America and the West Indies."

> "*Acts and Laws passed by the General Court or Assembly of His Majesties Province of New-Hampshire in* NEW-ENGLAND, *begun and held at Portsmouth on Monday, August 7th,* 1699, *folio, pp.* 10, rare

2l. 2s. Boston, printed by B. Green and J. Allen Printers to His Excellency the Earl of Bellomont, 1699."

As soon as this catalogue made its appearance in New York the book was promptly ordered by cable; but it had already been secured by an English buyer, who was quick to perceive the value of his prize, and did not relinquish it to my continued and eager pursuit until he received pounds for his shillings.

From the time when WILLIAM SMITH of Exeter, N. H., first called attention to the subject of the sources of New Hampshire Law (*Farmer & Moore:* iii. 201) to this day, no one of the writers who have discussed the subject, has betrayed any knowledge or suspicion of the fact that any of the laws of that Province were printed before 1700. Yet, strange to say, the evidence of such printing was patent among its official records, and (stranger still) has been in print for more than twenty years. In the identical volume of the *Provincial Records* in which its Editor quotes the volume of 1716 and repeatedly refers to it as "the first printed laws of the Province," the history of an earlier edition is distinctly indicated, and the evidence appears of the fact that the Laws of 1699 were printed in the year in which they were enacted, and that the printing, which was probably ordered by the Governor, was paid for by the Province Treasurer.

The Earl of Bellomont, who was Governor of New York, Massachusetts and New Hampshire from 1697 to 1701, published his Commission in the latter province on the 31st July, 1699, at Portsmouth, where he met the Legislature, a few days later, on the seventh of August. He was welcomed with great joy by the peo-

ple and began his administration under the most favorable auspices. The session continued for ten days, and the record of the last day is as follows:

[*Journal of the Council and Assembly 17th August*, 1699.]

"Several acts having passed both Houses, were consented to by his Excellency the Govern^r^, and by him signed accordingly: viz:

"An Act for Restraining and Punishing Privateers and Pirates.

"An Act to return able and sufficient Jurors to Serve in the several Courts of Justice, and to Regulate the Election of Representatives to Serve in the General Assembly within this Province.

"An Act for a Tax or Assessment, of *Five Hundred Pounds.*

"An Act for Establishing Courts of Publick Justice within this Province.

"An Act for continuing several Rates and Duties of Custom, Excise, Impost and Powder Money, on Tonnage of Shipping.[1]

"After which his Excellency was pleased to prorogue the Assembly to Monday the 18th of September next."

At an adjourned meeting, November 9th, 1699:

"Bartholomew Green, printer, his letter from Boston, dated 24th October, 1699, was read, relating to the printing of Several Laws of this Province, amounting to three pounds.

[1] It is a curious feature in this act that the name of the Governor accompanies his title in the enacting clause, viz.: "Be it therefore Enacted by his Excellency *the Earl of Bellomont* Governour," etc.

" Ordered, that the said sum be allowed, and an order forthwith granted to the Treasurer for pay[t] of the same."

The laws thus printed were those of which the titles are given above, making a volume of ten pages—folio, title verso blank, pp. 3–10, ending with *Finis*, signatures A and B in fours and C in one. An imitation of the title page precedes this notice.

Two only of the five statutes of 1699 appear in subsequent editions or publications of the Laws of New Hampshire—the act respecting Jurors and regulating the election of Representatives to serve in the General Assembly, and the act establishing Courts of Justice. Bellomont transmitted them all to the Commissioners of Trade and Plantations, upon which they declared to the Lords Justices their inability to make a perfect Report, because of the confusion and uncertain state of the former Acts of that Province—but they recommended the repeal of the Act for restraining and punishing Privateers and Pirates; and with reference to the gift of five hundred pounds to the Governor, they advised that he be permitted to receive it. Both these recommendations were adopted by the King in Council on the 22d October, 1700.

The tax of £500 for the gift to the Earl of Bellomont was assessed upon all persons and estates, according to each town's proportion, as follows:

Portsmouth	112 . 15 . 00
Hampton	148 . 18 . 09
Dover	100 . 11 . 03
Exeter	91 . 10 . 00
New Castle	46 . 05 . 00

The motive of the gift is declared in the language of the act—" in testimony of our great regard and respect

unto His Lordship, under whose happy Conduct we assure ourselves to enjoy great quiet and felicity."

This precious little volume, in many respects the most interesting of all the publications of New Hampshire Laws, is not now known to exist, save in this one copy —and as several of the Province Laws can be found nowhere else, New Hampshire (as Massachusetts has done before) must resort to the collections in New York or Pennsylvania to enable her to inspect the original editions, or to recover copies, of several of her ancient statutes, hitherto inaccessible to the modern student of her history.

GEORGE H. MOORE.

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New-York: May, 1889.

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